

Chapter 6.08 SOLID WASTE

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6.08.010 Definitions.

A. For purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is obvious from the context that another meaning is intended:

1. "Bin" means a metal or rigid plastic container provided by the city or its franchisee with a capacity of less than ten (10) cubic yards, equipped with a lid, and designed for mechanical pick-up by collection vehicles.
2. "Bulky Waste" means solid waste that cannot and/or would not typically be accommodated within a cart, such as furniture and appliances. Bulky waste does not include exempt waste.
3. "Cart" means a plastic container provided by the city or its franchisee with a hinged lid and wheels serviced by an automated truck with a capacity of no less than 30- and no greater than 101 gallons.
4. "City" or "City of Carlsbad" means the incorporated territory of the City of Carlsbad.
5. "Commercial solid waste" means solid waste originating from stores, offices and other commercial sources, but does not include construction or demolition waste.
6. "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.
7. "Construction and Demolition waste" means Solid Waste generated at a premises that is directly related to construction, remodeling, repair or demolition activities occurring thereon.
8. "Container" means collectively the carts, bins or roll-off box furnished by the city or franchisee used for storage of solid waste, recyclables and green waste prior to collection.
9. "Director" means the City's Utilities Director or his/her designee, or other City department director as designated by the City Manager.

10. "Exempt Waste" means biohazardous or biomedical waste, hazardous waste, sludge, designated waste, stable matter, waste tires, liquid wastes, green waste or lumber that is more than four (4) feet in length in its longest dimension or two (2) feet in diameter, automobiles, automobile parts, boats, boat parts, trailers, internal combustion engines, lead-acid batteries, and those wastes under the control of the Nuclear Regulatory Commission.

11. "Franchisee" means any person, persons firm or corporation to whom a franchise has been granted by the City for the collection, processing, recycling and disposal of solid waste.

12. "Green waste" means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than four (4) feet in its longest dimension or six (6) inches in diameter. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Holiday trees, and other forms of organic waste that is generated at the premises wherein the Green Waste is collected. Green Waste does not include materials not normally produced from gardens or landscape areas, such as brick, rock, gravel, large quantities of dirt, concrete, sod, non-organic wastes, oil, and painted or treated wood products.

13. "Person" includes any person, firm, association, organization, partnership, business trust, joint venture, corporation, or company and includes the United States, the State of California, the County of San Diego, the City of Carlsbad, cities, districts, and any officer or agency thereof.

14. "Pollutants" means and includes, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, sediment, silt, industrial waste, and any organic or inorganic substance defined as a pollutant under 40 C.F.R. 122.2 whose presence degrades the quality of the receiving waters in violation of basin plan and California ocean plan standards such as fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, fertilizers, pesticides, herbicides and other biocides. A pollutant also includes any contaminant which degrades the quality of the receiving waters in violation of basin plan and California ocean plan standards by altering any of the following parameters: pH, total suspended and settleable solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, temperature, and other narrative standards of the basin plan.

15. "Recyclable materials" means those materials that are recyclable and/or reusable. Recyclable materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding ten (10) pounds in weight nor two (2) feet in any dimension for any single item); steel including "tin" cans and small scrap (not exceeding ten (10) pounds in weight nor two (2) feet in any dimension for any single item); bimetal containers; mixed plastics including, but not limited to, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; and aseptic containers. Polystyrene peanuts and film plastic, including plastic bags are specifically excluded from collection and processing.

16. "Solid Waste" means all discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including refuse, construction and demolition waste, bulky waste, recyclable materials, and green waste, food waste, or any combination thereof which are permitted to be disposed of in a Class III landfill, and which are included in the definition of "Non-Hazardous Solid Waste" set forth in the California Code of Regulations. Solid Waste does not include exempt waste.

17. "Roll-off box" means a metal container with a capacity of ten (10) or more cubic yards that is normally loaded onto a motor vehicle.

18. "Solid waste facility" means a solid waste transfer or processing station, a composting facility, a transformation facility, or a disposal facility as approved by the city.

19. "Solid Waste Service" means the collection, transport and disposal of solid waste and recyclable materials, including green waste.

20. "Storm water" means surface runoff and drainage associated with storm events that flows across a surface to the storm water conveyance system or receiving waters. For the purposes of this chapter, storm water runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of pollutants naturally appearing in the runoff have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered "unpolluted" and shall satisfy the definition of "storm water" in this chapter.

21. "Storm water conveyance system" means private, natural and publicly owned facilities within the City of Carlsbad by which storm water may be conveyed to receiving waters of the United States, including any roads with drainage systems, streets, catch basins, curbs, gutters, ditches, pipes, natural and man-made channels or storm drains.

B. Any term that is defined by Division 30 (Waste Management) of the California Public Resources Code (commencing with Section 4000) that is used but not otherwise defined in this chapter shall have the meaning established by the Public Resources Code, to the extent meaning is not inconsistent with the context of the usage in this chapter and does not conflict with the approved franchise.

6.08.020 Required solid waste/recyclable materials/green waste handling.

A. Every person in possession, charge or control of any place or premises in the city in, upon, or from which solid waste, recyclable materials, or green waste are created, produced or accumulated shall:

1. Dispose of such solid waste through the regular solid waste service of the city or its franchisee; and
2. First segregate from solid waste and dispose of recyclable materials and green waste in recycling and green waste containers, as appropriate; and
3. Pay therefor the fee or fees hereinafter established.

B. The collection of solid waste shall occur at least once per week.

C. Exceptions.

1. If the franchisee is unable to reasonably provide service to the premises, the property owner shall make arrangements to dispose of his/her/its own solid waste, recyclable materials, and green waste at a solid waste facility.
2. Nothing in this chapter limits the right of any person to donate, sell, or otherwise dispose of his/her/its recyclable materials prior to placing said recyclable materials in recyclable containers.

6.08.030 Containers generally.

A. No person shall deposit, keep or accumulate any solid waste in or upon any public or private premises unless enclosed in containers. Such containers shall be provided by the franchisee. The containers will remain the property of the franchisee. Every person occupying or having control of any such premises shall insure that a sufficient number of containers are available to properly store all solid waste generated at said premises.

B. No person shall deposit, keep or accumulate any recyclable materials in or upon any public or private premises unless enclosed within a recyclable container.

C. Such containers shall be kept in the rear or on the side of the premises or in designated enclosures, except as provided in Sections 6.08.080, or as approved by the director.

6.08.040 Cleanliness of solid waste containers.

No person shall allow grease or decomposing material to accumulate in the interior or on the exterior of a solid waste container. No person shall allow water or other liquids to accumulate in the bottom of a solid waste container in excess of a depth of one inch.

6.08.045 Cleanliness of solid waste container areas or enclosures.

No person shall allow pollutants or liquids to accumulate around or on solid waste enclosures or around and/or under solid waste containers such that storm water will carry these pollutants or liquids to the storm water conveyance system.

6.08.050 Solid waste containers to be kept covered.

No person shall permit a solid waste container to remain uncovered or open, or in such condition that flies or vermin may obtain access thereto, except when necessary to place solid waste therein or remove solid waste therefrom, and when the cover is removed therefrom for such purposes it shall be immediately replaced.

6.08.060 Residential solid waste carts --Maximum weight.

Residential solid waste carts, when placed for collection, shall not be at a weight greater than the cart manufacturer's recommended maximum weight.

6.08.070 Maximum residential collection.

Solid waste, recyclable materials and green waste, when placed for collection, shall fit entirely within the confines of the carts with lids securely shut. The franchisee shall not be obligated to collect solid waste, recyclable materials or green waste that is placed outside of said carts. Households requiring additional service shall arrange for special collection.

6.08.080 Placement of residential carts for collection.

Solid waste, recyclable materials and green waste carts from single-family residential units shall be placed in the street with the wheels against the curb, or if no such curb exists, within the gutter of the public street; in the event that the solid waste, recyclable materials and green waste are to be collected from a public alley, the carts shall be placed within five feet of the edge of the right-of-way of such alley. Carts shall be positioned with handles facing away from the street or right-of-way. Carts must be placed at least two feet away from obstacles such as trees, vehicles and mailboxes, one foot away from other carts, and clear from any overhead obstructions such as tree limbs.

6.08.090 Timing of placement of residential carts for collection.

Solid waste, recyclable materials and green waste carts must be placed for collection between the hours of 6:00 p.m. on the day prior to collection and 6:00 a.m. of the day of collection. Carts shall be removed no later than 12:00 a.m. of the day of collection.

6.08.100 Unlawful placement of solid waste.

No person shall deposit or place any solid waste anywhere other than in an approved solid waste container under his or her control. Further, no person shall abandon, store, bury, and/or burn solid waste on public or private premises, with or without the property owner's permission, except at an authorized solid waste facility.

6.08.110 Unhindered access to containers.

It is unlawful for any person within the city to hinder access of the franchisee to the solid waste, recyclable materials or green waste containers.

6.08.120 Special collection service.

The franchisee shall provide for the collection of any solid waste, recyclable material or green waste which requires special collection. If the special service is not identified in the city's contract with the franchisee, the franchisee shall provide the service at a rate mutually agreed upon by the customer and the franchisee. Customers shall contract the city's franchisee to arrange for such services.

6.08.130 Bulky Waste collection.

Bulky waste shall be discarded or recycled through special collection service.

6.08.140 Shared service allowed.

Multiple tenants within a single building or complex may be allowed to share bin service. Customers utilizing carts shall not be allowed to share service, except at the sole discretion of the director.

6.08.150 Multiple tenant residential service.

Multiple tenant residential complexes shall be allowed to utilize bin service or individual cart service at the discretion of the owner or property manager. Multiple tenant residential complexes utilizing individual cart service shall be charged the single-family fee per each unit.

6.08.160 Hauling solid waste.

- A. All solid waste, after collection, shall be removed and transported to a solid waste facility.
- B. No person shall haul, carry or transport any solid waste through the city or along or over any public street or public place in the city except in water-tight vehicles so that the contents thereof are not offensive. Such vehicles shall be so loaded and operated that none of their contents falls or spills therefrom, and every vehicle used for such purposes shall be kept in a clean and sanitary condition.

6.08.170 Unauthorized collection (scavenging).

It is unlawful for any person, other than an employee of the franchisee or an employee of the city to collect, remove, or dispose of solid waste (including recyclable materials) in the city; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as regulated by the city plumbing code.

6.08.180 Contracts.

The city may enter into a contract or contracts under such terms or conditions as may be agreed upon and as may be seen fit by the city for the collection and disposal of solid waste, recyclable materials and green waste within the city. No person shall engage in the business of providing solid waste services, except as provided in Section 6.08.020(C), within the city without having a valid solid waste services contract with the city.

6.08.190 Rate and fees for service.

The rates and fees to be paid for regular (excluding Section 6.08.120) solid waste services rendered shall be those rates and fees as established from time to time by resolution of the City Council.

6.08.200 Payment of fees.

It is unlawful for any person having solid waste collected and disposed of as herein provided, to wilfully fail, neglect, or refuse after demand by the city, or its duly authorized agent or employee, to pay the fees herein prescribed for services. The city and/or franchisee may seek payment for delinquent accounts by any legal means available. In addition to all other remedies available by law or established by this chapter, failure to pay after delinquency may result in suspension of service.

6.08.210 Liability for payment.

The obligation to pay solid waste services fees is upon the legal owner or owners of the property served. Nothing in this section, however, shall prevent an arrangement under which payments for solid waste services are made by a tenant or tenants, or any agent, on behalf of the owner, provided any such arrangement shall not affect the owner's obligation for payment of such fees.

6.08.220 Enforcement.

The director shall be responsible for the enforcement of all provisions of this chapter. Failure to comply with these regulations shall be an infraction. Nothing in these regulations shall prevent the city's authorized agents or deputies from efforts to obtain compliance by way of warning, notice of violation, educational means or other civil or administrative remedies available under this code or other applicable law.

6.08.230 Savings clause.

All code provisions, ordinances, and parts of ordinances in conflict with the provisions of this chapter are repealed. The provisions of this chapter, insofar as they are substantially the same as existing code provisions relating to the same subject matter shall be construed as restatements and continuations thereof and not as new enactments. With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of the ordinance codified in this chapter, under any chapter, ordinance, or part of an ordinance hereby otherwise repealed, all provisions of such chapter, ordinance, or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.